IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.12515 of 2008
SADHU YADAV
Versus
STATE OF BIHAR
With
Cr.Misc. No.2843 of 2008
NITYA NAND YADAV
Versus
THE STATE OF BIHAR
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4 20.8.2008 Heard Counsel for the petitioner and Counsel for the State.

Counsel for the petitioner has placed reliance on the order of this Court dated 19.5.2008 passed in Cr. Misc. No. 18678 of 2008 and another order of this Court dated 19.6.2008 passed in Cr. Misc. No. 23385 of 2008 to contend that the co-accused having similar allegation have already been released on bail.

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The petitioner, however, has not stated about his criminal antecedent and it does not become clear as to whether the persons who have been granted bail were having criminal antecedent or not. In that view of the matter, the Court below will grant bail to the petitioner if found that the petitioner has got no criminal antecedent. In the event, the Court below finds that the petitioner has got any criminal antecedent meaning thereby that he is an accused in other criminal case beyond this case, the Court below will not grant bail to the

petitioner.

Accordingly, the petitioner namely Sadhu Yadav is directed to be released on bail in connection with Arwal P.S. Case No. 26/07 on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Jehanabad.

With the aforementioned conditions, this application for bail is hereby disposed of.

Cr. Misc. No. 2843 of 2008

Reference may be made to the earlier order of this Court dated 5.5.2008. Pursuant thereto, reports have been received from the Court below which shows that the petitioner is an accused in five criminal cases apart from the present one.

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In that view of the matter, this Court is not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner namely Nitya Nand Yadav is hereby rejected.

The petitioner may, however, renew his prayer for bail after completing a period of one year in judicial custody. The petitioner initially will move before the Court below and the Court below will examine with regard to the status of the pendency of other five cases

and would record reasons for their pendency especially as with regard to any non-cooperation or requirement of the petitioner in those cases.

Upon such an order passed by the Court below, the petitioner will have a liberty to move this Court.

With the aforementioned observations and directions, this application for bail is hereby dismissed.

Rsh **(Mihir Kumar Jha, J.)**

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